

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

----- X  
CARMEN ACOSTA,

Plaintiff,

- against -

AMERICAN SALES & MANAGEMENT ORGANIZATION  
CORPORATION and AMERICAN AIRLINES, INC.,

Defendant(s).  
----- X

6-28-07  
Date Filed: 16868/07

Index No.: 6

S U M M O N S

Plaintiff designates  
Bronx County as the  
Place for trial

Plaintiffs address:  
Bronx, New York

To the above named Defendants:

**YOU ARE HEREBY SUMMONED** to answer this complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive to the day of service ( or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) and in the case of your failure to appear, judgment will be taken against you by default for the relief demanded herein.

**Notice:** The nature of this action is for personal injuries resulting from negligence.

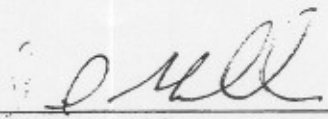
**The Relief Sought** is monetary damages for property damaged in the sum to be determined by the court.

2007 JUL 20 PM 1:56  
CLERK OF COURT  
CLERK OF COURT

Upon failure to appear, judgment will be taken against you by default for the sum to be determined by the court with the costs of this action.

Plaintiff designates Bronx County as the place for trial. The basis of venue is the residence of the Plaintiff, 611 East 149<sup>th</sup> Street, Bronx, New York.

Dated: Garden City, New York  
May 29, 2007



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Dirk Marschhausen, Esq.  
MARSCHHAUSEN & FITZPATRICK, P.C.  
Attorney for Plaintiff  
500 Old Country Road, Suite 103  
Garden City, New York 11530  
(516) 747-8000

Defendant's address:

**American Airlines, INC.**  
c/o CT Corporation System  
111 Eighth Avenue  
New York, New York 10011

**AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION (ASMO)**  
1212 North West 65<sup>th</sup> Avenue  
Miami, Florida 33152

**AMERICAN SALES & MANAGEMENT ORAGANIZATION CORPORATION**  
c/o Corporation Service Company  
80 State Street  
Albany, New York 12207



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VERIFIED COMPLAINT

Index No.

16868/07

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Plaintiff, by her attorney MARSCHHAUSEN & FITZPATRICK, P.C.  
as and for a Verified Complaint herein, allege upon information  
and belief as follows:

1. At all times hereinafter mentioned, plaintiff CARMEN  
ACOSTA is and was a resident of the County of Bronx, City and  
State of New York.

2. At all times hereinafter mentioned, defendant AMERICAN  
SALES & MANAGEMENT ORGANIZATION CORPORATION was and is a  
domestic corporation duly organized and existing under and by  
virtue of the laws of the State of New York, with a principal  
place of business in the County of Nassau, State of New York.

3. At all times hereinafter mentioned, defendant  
AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION is and was  
a foreign corporation authorized to do business in the State of  
New York, with a principal place of business in the County of  
Queens, City and State of New York.

4. At all times hereinafter mentioned, defendant AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION was and is a partnership duly organized and existing under and by virtue of the laws of the State of New York.

5. At all times hereinafter mentioned, defendant AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION was and is a Joint Venture duly organized and existing under and by virtue of the laws of the State of New York.

6. At all times hereinafter mentioned, defendant AMERICAN AIRLINES, INC., was and is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York, with a principal place of business in the County of Nassau, State of New York.

7. At all times hereinafter mentioned, defendant AMERICAN AIRLINES, INC., is and was a foreign corporation authorized to do business in the State of New York, with a principal place of business in the County of Queens, City and State of New York.

8. At all times hereinafter mentioned, defendant AMERICAN AIRLINES, INC., was and is a partnership duly organized and existing under and by virtue of the laws of the State of New York.



9. At all times hereinafter mentioned, defendant AMERICAN AIRLINES, INC., was and is a Joint Venture duly organized and existing under and by virtue of the laws of the State of New York.

10. At all times hereinafter mentioned, defendant AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION entered into a contract with defendant AMERICAN AIRLINES, INC. to provide wheelchairs and assistance to passengers on flights for John F. Kennedy Airport.

11. At all times hereinafter mentioned, plaintiff was a passenger on American Airlines flight number 1732 departing from Puerto Rico and arriving at John F. Kennedy International Airport, County of Queens, State of New York.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**ON BEHALF OF PLAINTIFF CARMEN ACOSTA**

12. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs "1" through "11" herein with the same force and effect as though the same were fully set forth at length herein.

13. At all times hereinafter mentioned, defendant AMERICAN AIRLINES, INC., their agents, servants, pilots, flight attendants, and/or employees were aware that plaintiff CARMEN ACOSTA was paraplegic, disabled and lacked the ability of her legs.

14. At all times hereinafter mentioned, defendant AMERICAN SALES & MANAGEMENT ORGANIZATION CORPORATION had an agreement with defendant, AMERICAN AIRLINES, INC. to provide wheelchair service at John F. Kennedy International Airport.

15. At all times hereinafter mentioned, plaintiff CARMEN ACOSTA was at all times in the care, control, management and custody of defendant AMERICAN AIRLINES, INC.

16. On or about July 29, 2004, plaintiff CARMEN ACOSTA was under the exclusive care, control, management and custody of defendant AMERICAN AIRLINES, INC. having been a passenger on flight 1732.

17. On or about July, 29, 2004, while plaintiff was in the exclusive care, control, management and custody of defendant AMERICAN AIRLINES, INC., while being carried into a wheelchair by airline personnel she was dropped and caused to suffer severe crippling and permanent injuries.

18. The incident and resulting injuries to plaintiff, CARMEN ACOSTA occurred while she was in the exclusive care, control, management, custody and supervision of defendant AMERICAN AIRLINES, INC. and occurred as a result of the careless and negligent supervision, care and control of defendant.

19. The said defendant AMERICAN AIRLINES, INC. was careless, reckless and negligent in the supervision, care and control of plaintiff CARMEN ACOSTA, in the ownership, operation,



maintenance and management in that they failed to provide adequate supervision, assistance, attention and care; in that defendant failed to take proper means and precautions to avoid and guard the happening of the accident negligently, carelessly and recklessly hired, trained, employed and/or allowed the defendants employees, including flight attendants to monitor and supervise disabled passengers, including plaintiff CARMEN ACOSTA; in that they failed to avoid and guard against the happening of the accident; in that the defendants failed to exercise due care and diligence to prevent plaintiff CARMEN ACOSTA's injuries, and, in that in other ways, the defendants were careless, reckless and negligent in causing plaintiff CARMEN ACOSTA's injuries.

20. That the carelessness, negligence and recklessness of the defendants was manifest in the defendant's ownership, operation, maintenance and control of defendant AMERICAN AIRLINES INC.; in its careless, reckless and negligent hiring of incompetent personnel; in failing to properly train, instruct and supervise its personnel; in failing to properly review said plaintiff CARMEN ACOSTA's medical condition; in failing to properly supervise the plaintiff; in failing to properly maintain care to and provide aid for CARMEN ACOSTA; in causing, allowing and permitting plaintiff CARMEN ACOSTA to be, become and remain unattended to and ambulate without assistance or aid

of any of the personnel or employees of the defendants AMERICAN AIRLINES, INC. in close attendance; in failing to properly and appropriately carry plaintiff CARMEN ACOSTA from her chair to a wheelchair, with the attention or care of an employee of the defendants AMERICAN AIRLINES, INC.; in failing to abide by and follow the recommendations, orders and/or directives of said plaintiff CARMEN ACOSTA or other friends and family; in failing to take appropriate preventive measures to insure that said plaintiff could not ambulate on her own unattended and unassisted; in failing to take appropriate care and caution to transfer her from her seat to a wheelchair without dropping her; in failing to provide proper caution and care for her safety; failing to properly instruct their employees and personnel relative to the care and attention necessary for the well being of the plaintiff CARMEN ACOSTA; in failing to provide a safe environment and surroundings for the plaintiff CARMEN ACOSTA; and in neglecting to provide adequate and necessary care and attention to said plaintiff CARMEN ACOSTA while being transferred to a wheelchair.

21. That by reason of the foregoing, plaintiff CARMEN ACOSTA was rendered sick, sore, lame and disabled; was injured, bruised and wounded about her body and limbs; lives in great conscious pain and suffering for a long period of time.